

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chris Olmsted	Team: Squad #9	CCRB Case #: 201908455	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 09/23/2019 9:00 AM	Location of Incident: East 93rd Street and 1st Avenue	Precinct: 19	18 Mo. SOL 3/23/2021	EO SOL 11/7/2021	
Date/Time CV Reported Tue, 09/24/2019 1:50 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 09/24/2019 1:50 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Ricardo Lawrence	23320	952972	019 PCT
2. POM Francis Lavelle	14896	927062	019 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ricardo Lawrence	Abuse: Police Officer Ricardo Lawrence refused to provide his shield number to § 87(2)(b)	
B.POM Ricardo Lawrence	Discourtesy: Police Officer Ricardo Lawrence acted discourteously toward § 87(2)(b)	
C.POM Ricardo Lawrence	Abuse: Police Officer Ricardo Lawrence interfered with § 87(2)(b)'s use of a recording device.	
D.POM Ricardo Lawrence	Force: Police Officer Ricardo Lawrence used physical force against § 87(2)(b)	
E.POM Ricardo Lawrence	Force: Police Officer Ricardo Lawrence hit § 87(2)(b) against a vehicle.	
F.POM Ricardo Lawrence	Abuse: Police Officer Ricardo Lawrence threatened to arrest § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On September 24, 2019, § 87(2)(b) filed this complaint with the CCRB by phone.

§ 87(2)(b) is a driver for Lyft. On September 23, 2019, at approximately 9:00 a.m., § 87(2)(b) called Lyft support from his vehicle at East 93rd Street and 1st Avenue, in Manhattan, to report a dispute with a passenger. Lyft forwarded the call to 911. Police Officer Ricardo Lawrence and Police Officer Francis Lavelle, both of the 19th Precinct, were already at East 93rd Street and 1st Avenue on an unrelated matter when they received a radio call of a crime in progress. They saw § 87(2)(b) and his passenger on the other side of the street and approached them. Over the course of the incident, PO Lawrence refused to provide his shield number to § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g) § 87(2)(b) alleged that PO Lawrence slapped his phone while he was recording, interrupting the recording. (**Allegation B: Discourtesy**, § 87(2)(g) **Allegation C: Abuse of Authority**, § 87(2)(g) PO Lawrence allegedly used his right hand to pull § 87(2)(b)'s right arm up behind his back and his left hand to push § 87(2)(b)'s head and neck down. (**Allegation D: Force**, § 87(2)(g) In this manner, PO Lawrence brought § 87(2)(b) across the street to § 87(2)(b)'s car, and pushed § 87(2)(b)'s chest and face onto the hood of the vehicle. (**Allegation E: Force**, § 87(2)(g) PO Lawrence allegedly asked § 87(2)(b) "Are you going to stop, or do you want to be arrested?" (**Allegation F: Abuse of Authority**, § 87(2)(g)

§ 87(4-b), § 87(2)(g)

No arrests were made nor summonses issued as a result of this incident.

§ 87(2)(b) provided two videos he took with his cell phone during the incident (Board Review 01) (Board Review 02). The investigation obtained a body-worn camera recording taken by PO Lawrence (Board Review 03). The investigation obtained security footage from 1780 1st Street in Manhattan. (Board Review 04)

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Ricardo Lawrence refused to provide his shield number to § 87(2)(b)

Allegation (B) Discourtesy: Police Officer Ricardo Lawrence acted discourteously toward § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Ricardo Lawrence interfered with § 87(2)(b)'s use of a recording device.

It is undisputed that, on September 23, 2019, at approximately 9:00 a.m., Police Officer Ricardo Lawrence and Police Officer Francis Lavelle, both of the 19th Precinct, responded to East 93rd Street and 1st Avenue in response to a reported crime in progress.

In his testimony to the CCRB, § 87(2)(b) stated that the first time he asked PO Lawrence for his shield number, PO Lawrence refused to provide it and began to walk away. He stated that he followed PO Lawrence onto the sidewalk and asked for his shield number again. § 87(2)(b) stated that PO Lawrence provided his shield number but did so too quickly for him to understand. § 87(2)(b) told PO Lawrence that he had not understood the number and asked for it again. Again, PO Lawrence repeated the number too quickly for § 87(2)(b) to understand.

§ 87(2)(b) took out his cell phone and began recording the incident. PO1 slapped at § 87(2)(b)'s phone, knocking it and § 87(2)(b)'s hand downwards. § 87(2)(b) retained control of his phone, but the action interrupted the recording. He did not strike § 87(2)(b). § 87(2)(b) began recording again and asked for PO1's badge number. PO1 stated he already gave it to § 87(2)(b). § 87(2)(b) stated he did not catch it the first time and asked for the number again. PO1 gave his badge number too quickly for § 87(2)(b) to understand. He struck § 87(2)(b)'s phone again, interrupting the recording again.

In his testimony to the CCRB, PO Lawrence stated that while he and § 87(2)(b) were next to § 87(2)(b)'s vehicle, § 87(2)(b) asked for his shield number. He stated he provided § 87(2)(b) with his shield number and showed § 87(2)(b) his shield and nameplate.

A video § 87(2)(b) took during the incident, attached to the electronic case file in IA 9, captures § 87(2)(b) following PO Lawrence from the side of § 87(2)(b)'s vehicle to the sidewalk. Between 0:13 and 0:18 into the video, § 87(2)(b) asks for PO Lawrence's shield number. When PO Lawrence states he has already provided it, § 87(2)(b) states he cannot remember it and PO Lawrence states "that's too bad." § 87(2)(b) asks for the number again, and PO Lawrence ignores him. At 0:35, PO Lawrence tells § 87(2)(b) "No. Go over there." § 87(2)(b) takes a step backward. At 0:36 seconds, PO Lawrence approaches § 87(2)(b) covers the camera with his hand, and the recording is jostled. At the end of the recording, PO Lawrence rapidly states, "23320," his shield number, and tells § 87(2)(b) to, "go about his business." After he turns away from § 87(2)(b) he can be heard saying, "Don't come up behind me." (Board Review 01)

After watching the above video footage, PO Lawrence stated that his understanding is that police officers are required to provide their name and shield when asked, but there is a reasonable limit to what they are required to do. He stated that he had already provided his information to § 87(2)(b) multiple times, and that he felt he had fulfilled the requirement. Regarding the physical contact he made with the camera, PO Lawrence stated that his only intention was to get § 87(2)(b) to back up. When asked whether he gave § 87(2)(b) time to comply with his order to back away before engaging with him physically, PO Lawrence stated that he had given § 87(2)(b) "ample time" as he had already told § 87(2)(b) roughly four or five times to stop following him. He stated it is up to the officer's discretion based on how comfortable they felt with the civilian. PO Lawrence stated that § 87(2)(b) was "agitated," stating that § 87(2)(b) was upset that the police had

not taken a report and had continued to follow him. PO Lawrence did not want § 87(2)(b) behind him.

PO Lawrence had already deactivated his body-worn camera video before these interactions.

Patrol Guide Procedure 203-09 instructs officers to, “Courteously and clearly state your rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so. Allow the person ample time to note this information.” (Board Review 05)

Patrol Guide Procedure 203-29 states that officers may not interfere with a civilian’s use of a recording device without a legitimate law enforcement reason to do so. It defines interference as threatening, intimidating, or otherwise discouraging an observer from recording the police officer's activities; or intentionally blocking or obstructing cameras or other recording devices when there is no legitimate law enforcement reason to do so. (Board Review 06)

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Allegation (D) Force: Police Officer Ricardo Lawrence used physical force against § 87(2)(b)

§ 87(2)(b):

Allegation (E) Force: Police Officer Ricardo Lawrence hit § 87(2)(b) against a vehicle.

Allegation (F) Abuse of Authority: Police Officer Ricardo Lawrence threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that after the interaction on the sidewalk, PO Lawrence began walking across 1st Avenue to his RMP. PO Lavelle was well ahead of him. § 87(2)(b) who was recording, followed behind them, approximately seven to eight feet from PO Lawrence. Approximately five feet from the RMP, PO Lawrence turned around struck § 87(2)(b)'s phone from his hand. PO Lawrence used his right hand to pull § 87(2)(b)'s right arm up behind his back and his left hand to push § 87(2)(b)'s head and neck down. In this manner, PO Lawrence brought § 87(2)(b) across the street to § 87(2)(b)'s car. He pushed § 87(2)(b)'s chest and face onto the hood of the car. PO Lawrence asked § 87(2)(b) "Are you going to stop, or do you want to be arrested?" § 87(2)(b) said he would stop. PO Lawrence let him go and began walking back to the RMP. § 87(2)(b) remained on the hood of the car until PO Lawrence was four to five steps away from him.

PO Lawrence stated that while § 87(2)(b) followed him across the street, § 87(2)(b) was weaving his arm back and forth, trying to record him. PO Lawrence considered these behaviors to be disorderly. PO Lawrence instructed § 87(2)(b) to stop following him but § 87(2)(b) continued to follow him. PO Lawrence turned around and took hold of § 87(2)(b). He did not recall how § 87(2)(b) was turned around, but the result of PO Lawrence's action was that § 87(2)(b) was facing his own vehicle with his hands behind his back and PO Lawrence was holding onto both of § 87(2)(b)'s wrists with his hands. PO Lawrence led § 87(2)(b) back across the street by his wrists and put him up against the left side of the hood. § 87(2)(b)'s chest touched the hood of his vehicle. PO Lawrence told § 87(2)(b) that if he continued his behavior, he would arrest him. § 87(2)(b) said, "ok" and PO Lawrence released his wrists, returned to the RMP, and departed the scene with PO Lavelle.

§ 87(2)(b) provided the video he took during this portion of the interaction. It is attached to the electronic case file in IA 10. The video opens with PO Lawrence walking from the sidewalk to his RMP. The frame is steady. PO Lavelle can be seen ahead of PO Lawrence, also walking back to the RMP. The officers walk through the street to get to their vehicle, and § 87(2)(b) follows approximately five to six feet behind. At 0:16, when PO Lawrence reaches the RMP and § 87(2)(b) is approximately four feet from the RMP, PO Lawrence turns around, approaches § 87(2)(b) and states, "Yo my man I'm not gonna tell you." PO Lawrence reaches towards § 87(2)(b) and then the video shifts to the ground and abruptly ends. PO Lawrence does not instruct § 87(2)(b) to stop following him during the recording. (Board Review 02)

PO Lawrence stated that at the time § 87(2)(b) could have been arrested for harassment, OGA, and disorderly conduct. He stated that the weaving and following behaviors

were the grounds for all three charges. He could not identify in what way § 87(2)(b) was causing public inconvenience, annoyance, or alarm beyond continuing to follow him. He could not identify from memory under which aspect of the disorderly conduct statute § 87(2)(b) was violating. He stated he would have arrested § 87(2)(b) and determined the charge later.

PO Lavelle stated that after PO Lawrence placed § 87(2)(b) against the car, PO Lawrence said, “If you come like that close behind my back again next time, I’ll put you in cuffs.” There was further dialogue between § 87(2)(b) and PO Lawrence, but PO Lavelle did not recall what was said. PO Lawrence released § 87(2)(b) and both officers returned to their RMP.

New York Penal Law 240.20 states that to be guilty of disorderly conduct, a person must act with intent to cause or recklessly create a risk of public inconvenience, annoyance, or alarm. (Board Review 07)

New York Penal Law 240.26 states that to be guilty of harassment, a person must act with intent to harass, annoy, or alarm another person. (Board Review 08)

New York Penal Law 195.05 states that a person is guilty of obstructing governmental administration when he intentionally obstructs, impairs, or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act. (Board Review 09)

Patrol Guide Procedure 221-01 states that officers may use force when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. (Board Review 10)

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to two CCRB complaints and has been named as a victim in six other allegations. (Board Review 12)

- § 87(2)(b)

[REDACTED]

- PO Lawrence has been a member of service for seven years and has been a subject in four other CCRB complaints and 11 other allegations, none of which has been substantiated.

- PO Lawrence is a subject in CCRB 201908601. The incident in that case occurred on September 26, 2019, two days after this incident. In that case, PO Lawrence is alleged to have refused to provide his name and used physical force. Video footage in that case appears to show PO Lawrence instructing a civilian, multiple times, not to write down his information. § 87(2)(g)

[REDACTED]

- PO Lavelle has been a member of service for 19 years and has been a subject in one other CCRB complaint and three other allegations, none of which has been substantiated. § 87(2)(g)
- [REDACTED]

Mediation, Civil and Criminal Histories

- On October 15, 2019, this case was sent to mediation and on December 24, 2019, the case was returned to investigation as the complaint was no longer eligible for mediation.
- A FOIL request was submitted with the New York City Office of the Comptroller for a Notice of Claim and will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Squad No.: 9

Investigator:	<u>Christopher Olmsted</u>	<u>Inv. Christopher Olmsted</u>	<u>9/16/2020</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Monique West</u>	<u>IM Monique West</u>	<u>9/16/2020</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date